

Lawrence A. Organ (SBN 175503)
larry@civilrightsca.com
Cimone A. Nunley (SBN 326915)
cimone@civilrightsca.com
CALIFORNIA CIVIL RIGHTS LAW GROUP
332 San Anselmo Avenue
San Anselmo, California 94960
Telephone: (415)-453-7352
Facsimile: (415)-785-7352

J. Bernard Alexander III (SBN 128307)
ALEXANDER MORRISON + FEHR LLP
1900 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 394-0888
Facsimile: (310) 394-0811

Michael Rubin (SBN 80618)
mrubin@altber.com
Jonathan Rosenthal (SBN 329638)
jrosenthal@altber.com
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, California 94108
Telephone: (415) 421-7151
Facsimile: (415) 362-8064

Attorneys for Plaintiff Owen Diaz

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Kathleen M. Sullivan (CA Bar No. 242261)
kathleensullivan@quinnemanuel.com
Daniel C. Posner (CA Bar No. 232009)
danposner@quinnemanuel.com
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Asher Griffin (appearance *pro hac vice*)
ashergriffin@quinnemanuel.com
300 W. 6th St., Suite 2010
Austin, TX 78701
Telephone: (737) 667-6100

QUINN EMANUEL URQUHART &
SULLIVAN, LLP
Alex Spiro (appearance *pro hac vice*)
alexspiro@quinnemanuel.com
51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000

Attorneys for Defendant Tesla, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OWEN DIAZ,

Plaintiff,

v.

TESLA, INC. DBA TESLA MOTORS, INC.,

Defendant.

Case No. 3:17-cv-06748-WHO

**JOINT CASE MANAGEMENT
STATEMENT**

Date: October 4, 2022
Time: 2:00 p.m.
Place: Courtroom 2, 17th Floor
Judge: Hon. William H. Orrick

Pursuant to the Court's July 12, 2022 Order (Dkt. 352), the parties hereby submit this joint case management statement addressing the upcoming retrial.

The parties have twice met and conferred regarding the scope of retrial, and set forth the following issues to be addressed at the October 4, 2022 Case Management Conference or at the Court's earliest convenience.

I. SCOPE OF RETRIAL

At the July 12, 2022 hearing, Tesla raised an issue as to whether a retrial on damages alone is consistent with *Gasoline Products Co. v. Champlin Refining Co.*, 283 U.S. 494 (1931), and its progeny. The parties met and conferred about those issues on September 9 and 20, 2022, but failed to reach a resolution. The parties will continue to meet and confer about the proper scope of the retrial. If the parties reach agreement, they will promptly submit their agreement for the Court's review and approval. If the parties cannot agree as to the proper scope of the retrial, the parties propose the following schedule for briefing and hearing a motion by Tesla regarding the scope of the retrial:

- October 14, 2022: Tesla files motion regarding scope of retrial
- November 4, 2022: Diaz files opposition to motion regarding scope of retrial
- November 18, 2022: Tesla files reply to motion regarding scope of retrial
- December 7, 2022: Hearing on motion regarding scope of retrial

II. PRETRIAL SCHEDULE

The parties have met and conferred regarding additional pretrial deadlines, and propose the following schedule:

- January 30, 2023: Deadline to exchange materials required by Section 1 of Civil Pretrial Order, including motions *in limine* and papers described in Civil L.R. 16-10(b)(7), (8), (9), and (10) (set by Pretrial Order (Dkt. 78))
- February 3, 2023: Deadline to file motions *in limine*
- February 8, 2023: Deadline to file proposed jury instructions, proposed forms of verdict, and proposed statements to be read to jury regarding first trial

- February 10, 2023: Deadline to file oppositions to motions *in limine*
- February 13, 2023: Deadline to file joint pretrial conference statement
- February 27, 2023: Pretrial Conference (set by July 12, 2022 Order (Dkt. 352))
- March 27, 2023: Jury Trial (set by July 12, 2022 Order (Dkt. 352))

1 DATED: September 27, 2022

CALIFORNIA CIVIL RIGHTS LAW GROUP
ALEXANDER MORRISON + FEHR LLP
ALTSHULER BERZON LLP

4 By /s/ Larry Organ

5 Lawrence A. Organ
6 Cimone A. Nunley
7 CALIFORNIA CIVIL RIGHTS LAW GROUP
8 332 San Anselmo Avenue
9 San Anselmo, California 94960
10 Telephone: (415)-453-7352
11 Facsimile: (415)-785-7352

12 J. Bernard Alexander III
13 ALEXANDER MORRISON + FEHR LLP
14 1900 Avenue of the Stars, Suite 900
15 Los Angeles, California 90067
16 Telephone: (310) 394-0888
17 Facsimile: (310) 394-0811

18 Michael Rubin
19 Jonathan Rosenthal
20 ALTSHULER BERZON LLP
21 177 Post Street, Suite 300
22 San Francisco, California 94108
23 Telephone: (415) 421-7151
24 Facsimile: (415) 362-8064

25 *Attorneys for Plaintiff Owen Diaz*

1 DATED: September 27, 2022

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

4 By /s/ Dan Posner

Kathleen M. Sullivan
Daniel C. Posner
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

10 Asher Griffin (appearance *pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
300 W. 6th St., Suite 2010
Austin, TX 78701
Telephone: (737) 667-6100

13 Alex Spiro (appearance *pro hac vice*)
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000

17 *Attorneys for Defendant Tesla Inc.*

ATTESTATION OF CONCURRENCE

I, Daniel Posner, am the ECF user whose ID and password are being used to file this
JOINT CASE MANAGEMENT STATEMENT. Pursuant to Civil L.R. 5-1(h)(3), I hereby attest
that each of the signatories identified above has concurred in the filing of this document.

DATED: September 27, 2022

By /s/ Dan Posner

Daniel C. Posner